

### **DETAILED ACTION**

Receipt is acknowledged of applicant's Amendment/Remarks filed 12/10/2009. Claims 4-5 and 10 are cancelled. Claims 22-46 remain withdrawn as pertaining to the non-elected invention. Claims 1-3, 6-9, and 11-46 are pending. Claims 1-3, 6-9, and 11-21 are currently under consideration.

### ***Terminal Disclaimer***

1. The terminal disclaimers filed on 12/10/2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,200,968 B1 and US 6,660,729 B1 have been reviewed and are accepted. The terminal disclaimers have been recorded.

### **WITHDRAWN REJECTIONS**

2. In view of the terminal disclaimed filed on 12/10/2009, the rejection of claims 1-3, 6-9, and 11-21 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 and 23 of US 6,200,968 B1 is herein withdrawn.

3. In view of the terminal disclaimed filed on 12/10/2009, the rejection of claims 1-3, 6-9, and 11-21 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 32-33 of US 6,660,729 B1 is herein withdrawn.

#### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rona Nardone on 12/17/2009.

The application has been amended as follows:

Please cancel claims 22-46.

#### ***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance: Claims 1-3, 6-9, and 11-21 are directed to compositions comprising a fused pyrrolocarbazole with the formula as shown in instant claim 1, at least 20% (w/w) of polyoxyl stearate, and at least one polyethylene glycol.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance." The closest prior is due to Dickason et al. (US 6,200,968 B1 and US 6,660,729 B1). Cephalon, Inc. is the assignee for the instant application, US 6,200,968 B1, and US 6,660,729 B1. A properly executed terminal disclaimer for each patent has been filed to overcome

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the prior double patenting rejections of record, placing the claims in condition for allowance.

### ***Conclusion***

Claims 1-3, 6-9, and 11-21 are allowed.

### ***Correspondence***

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jody L. Karol whose telephone number is (571)270-3283. The examiner can normally be reached on 8:30 am - 5:00 pm Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on (571) 272-0629.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Jody L. Karol/

Examiner, Art Unit 1627

/Yong S. Chong/

Primary Examiner, Art Unit 1627